

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

BOBBY WASHINGTON,

Plaintiff,

v.

Case No. 06-10463-BC

Hon. David M. Lawson

Magistrate Judge Charles E. Binder

PATRICIA CARUSO,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION OF MAGISTRATE
JUDGE, OVERRULING OBJECTIONS, AND DISMISSING ACTION**

This matter is before the Court on the magistrate judge's recommendation that the case be *sua sponte* dismissed without prejudice. The case was referred to United States Magistrate Judge Charles E. Binder pursuant to 28 U.S.C. § 636(b). The magistrate judge issued his report on April 5, 2006, recommending that this Court dismiss the case for failure to exhaust administrative remedies as required by the Prison Litigation Reform Act, 42 U.S.C. § 1997e(a).

The plaintiff filed objections to the magistrate judge's report. However, the plaintiff's objections do not dispute the magistrate judge's finding that he has not exhausted his administrative remedies. Instead, the plaintiff argues that it is unfair to require him to exhaust his remedies because the next step in that process requires him to submit his complaint to the defendant. The plaintiff believes the defendant "should be able to answer complaint by way of the courts." Pl.'s Obj. to R&R at 1.

The Prisoner Litigation Reform Act prohibits prisoners from filing suit about the conditions of their imprisonment unless they have exhausted their administrative remedies. 42 U.S.C. § 1997e(a). The exhaustion requirement is mandatory. *Porter v. Nussle*, 534 U.S. 516, 532 (2002). Because the plaintiff has not exhausted his administrative remedies, his case must be dismissed.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 8] is **ADOPTED**, the plaintiff's objections are **OVERRULED**, and the plaintiff's case is **DISMISSED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: June 6, 2006

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 6, 2006.

s/Tracy A. Jacobs
TRACY A. JACOBS